

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

| | | |
|---|---|-----------------------------|
| In re |) | |
| |) | |
| MARITIME COMMUNICATIONS/LAND MOBILE, LLC |) | EB Docket No. 11-71 |
| |) | File No. EB-09-01-1751 |
| Participation in Auction No. 61 and Licensee |) | FRN: 001358779 |
| Of Various Authorizations in the Wireless |) | |
| Radio Services |) | |
| |) | |
| Applicant for Modification of Various |) | Application FNs 0004030479, |
| Authorizations in the Wireless Radio Services |) | 0004144435, 0004193028, |
| Applicant with ENCANA OIL AND GAS |) | 0004193328, 0004354053, |
| (USA), INC.; DUQUESNE LIGHT |) | 0004309872, 0004310060, |
| COPANY; DCP MIDSTREAM, LP; |) | 0004314903, 0004315013, |
| JACKSON COUNTY RURAL, |) | 0004430505, 0004417199, |
| MEMBERSHIP ELECTRIC |) | 0004419431, 0004422320, |
| COOPERATIVE; PUGET SOUND |) | 0004422329, 0004507921, |
| ENERGY, INC.; INTERSTATE |) | 0004153701, 0004526264, |
| POWER AND LIGHT COMPANY; |) | 0004636537, 0004604962. |
| WISCONSIN POWER AND LIGHT |) | |
| COMPANY; DIXIE ELECTRIC |) | |
| MEMBERSHIP CORPORATION, INC.; |) | |
| ATLAS PIPELINE – MID CONTINENT, |) | |
| LLC; DENTON COUNTRY ELECTRIC |) | |
| COOPERATIVE, INC., DBA COSERV |) | |
| ELECTRIC; AND SOUTHERN |) | |
| CALIFORNIA REGIONAL RAIL |) | |
| AUTHORITY |) | |

To: Marlene H. Dorch, Secretary
Attention: Chief Administrative Law Judge Richard L. Sippel

Motion to Dismiss and in the Alternative Opposition To Petition for Stay

The undersigned, Warren Havens, submits this Motion and Opposition. In SkyTel's pending federal court case against Maritime,¹ Maritime recently objected in a filing with the court to attorney Jim Chen participation in this FCC Hearing. To protect SkyTel in that court case, I submit this pro se. I will document and explain the above and

¹ Havens et al. v Mobex, Maritime, et al., case No. 11-993 in the US District Court District of New Jersey.

related matters in a filing next week. However, to be sure this is timely filed, I submit this pleading at this time on a pro se basis.²

The Choctaw January 23, 2012 petition to stay (“Petition”) should be dismissed, or in the alternative denied for the following reasons.

1. The reasons given in the Enforcement Bureau (EB) Opposition to the Petition.
2. The reasons that given in the EB Request for Prehearing Conference filed January 31, 2013 as to why Choctaw is not a party in this Hearing.
3. The Petition is effectively an impermissible late filed petition for reconsideration of the Commission HDO FCC 11-64.
4. Even if Choctaw is a proper party in the Hearing, it has no standing and interest to pursue relief for Maritime or Maritime licenses, or for any Maritime application in this Hearing since Chocktaw has not been granted by the FCC an assignment of any Maritime license, nor approval of taking control in any, nor is the Maritime recently filed assignment before the Wireless Bureau of its licenses to Choctaw in this Hearing. A party that lacks interest and Article III standing as to a FCC license

² Judge Sippel has found that I can provide facts in this case and can also participate as a party pro se, as the Commission designated in the HDO FCC 11-64 if I had a different basis than SkyTel legal entities. The differences were decided by the FCC in past formal decisions, e.g., see the Appendix below. The differences were also explained by me in my filing in this Hearing dated 10-2-2012, dealing with FCC 12M-44. The Commission recognized the differences in naming each SkyTel entity and myself as individual parties in the HDO, FCC 11-64. Corporate law, under State law, requires that legal entities’ distinction be accepted (unless a sham entity is proven up). For all these reasons, my position was and remains that my party pro se rights were improperly challenged and denied, then in part reinstated conditionally. I do not waive by this instant filing any position I took in said filing on 10-2-2012 including as to reversible error.

has no right to pursue any relief for said license. E.g., see *SunCom Mobile & Data, Inc. v. FCC*, 87 F. 3d 1386.

At the time SunCom filed the requests, it had no 220 MHz licenses of its own but only "written expressions of interest from parties holding approximately [450 licenses]," ... SunCom represented to the Commission that it intended to obtain title to the network licenses "only after they are constructed ... and upon receipt of all applicable FCC approval." ... These allegations fail to show the required "injury-in-fact," namely, "an invasion of a legally protected interest which is (a) concrete and particularized and (b) 'actual or imminent, not "conjectural" or "hypothetical," ' " *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560, 112 S.Ct. 2130, 2136, 119 L.Ed.2d 351 (1992) (citations omitted). * * * * Neither the Commission nor the intervenors challenged SunCom's Article III standing to petition for review of the Commission's decision.... Nevertheless, we are bound to conduct an independent inquiry on our own. "Standing, whether constitutional or prudential, is a jurisdictional issue which cannot be waived or conceded." *Animal Legal Defense Fund, Inc. v. Espy*, 29 F.3d 720, 723 n. 2 (D.C.Cir.1994) (citing *Animal Legal Defense Fund, Inc. v. Espy*, 23 F.3d 496, 498 (D.C.Cir.1994); *id.* at 504 (Williams, J. concurring in part and dissenting in part); *Mallick v. International Bhd. of Elec. Workers*, 749 F.2d 771, 773 n. 1 (D.C.Cir.1984))

As with SunCom, Choctaw has no licenses at issue here, only an action to "obtain ... the ... licenses... upon... FCC approval."

5. The evidence shows that Choctaw has obtained in writing, and is exercising before the FCC in this Hearing and before the Wireless Bureau unauthorized transfer of control and that disqualifies the actions involved, at the minimum. See the attached Motion to Dismiss filed by Skytel Entities before the WB in this regard. We reference and incorporate herein the fact and arguments in said Motion. This disqualifies the subject Petition, as well as all action by Choctaw in this Hearing.

Respectfully submitted,

/s/

Warren Havens
Individually and for SkyTel legal entities
(previously defined in this case)

2509 Stuart Street
Berkeley CA 94705
510 841 2220, 848 7797

Dated: February 1, 2013

Appendix

From MO&O, FCC 10-54, April 16, 2010. Emphasis and items in brackets added, footnotes in original deleted.

The [AMTS] Consortium [now called Environmental LLC] and Telesaurus [VPC LLC] [now called Verde Systems LLC] short-form applications both identified Warren C. Havens as the controlling interest but indicated that these entities had different ownership structures..... Mobex had not submitted an upfront payment, as required.... On September 15, 2004, the Division issued an Order denying Mobex's requests. * * * * The Division also took note of the reasons Telesaurus and Consortium had given for both participating in Auction 57, namely that the two entities have separate business plans and separate funds and accounting, which allows for different sources of capital, and that they would need to seek and obtain Commission approval before a license transfer or assignment could be completed between them after the auction. The Division indicated that there could be a variety of legitimate reasons for commonly controlled entities to participate in an auction, including the implementation of different business plans, financing requirements, marketing needs, and the avoidance of transactional costs in the secondary market.²³ Finally, the Division rejected Mobex's argument that Mr. Havens's interest in two separate applications provided an informational advantage relative to other bidders.

The short forms and long forms, and ownership reports, of the LLCs noted above, and the other SkyTel entities, all show the differences. Corporate law guarantees that different legal entities be treated distinctly, and that is not subject to the FCC inquiry and investigation, including demands of internal confidential information and showings, nor has the FCC ever required that. In any case, the above shows that MCLM's predecessor attempted and lost at trying to convince the FCC, in this AMTS auction proceeding, to deem that Warren Havens and LLCs he managed (above, two of the SkyTel LLCs) should be deemed the same.

Before the
Federal Communications Commission
Washington, D.C. 20554

| | | |
|----------------------|---|---|
| In the Matter of |) | |
| |) | |
| Renewal Applications |) | File Nos. 0005531404-0005531457 |
| |) | |
| of Maritime |) | Call Signs: |
| Communications / |) | WHG693, WHG701, WHG702, WHG703, WHG705, WHG706, |
| Land Mobile, LLC, |) | WHG707, WHG708, WHG709, WHG710, WHG711, WHG712, |
| Debtor-in-Possession |) | WHG713, WHG714, WHG715, WHG716, WHG717, WHG718, |
| |) | WHG719, WHG720, WHG721, WHG722, WHG723, WHG724, |
| |) | WHG725, WHG726, WHG727, WHG728, WHG729, WHG730, |
| |) | WHG731, WHG732, WHG733, WHG734, WHG735, WHG736, |
| |) | WHG737, WHG738, WHG739, WHG740, WHG741, WHG742, |
| |) | WHG743, WHG744, WHG745, WHG746, WHG747, WHG748, |
| |) | WHG749, WHG750, WHG751, WHG752, WHG753, WHG754 |
| |) | |

To: Office of the Secretary
Attn: Wireless Telecommunications Bureau

Motion to Dismiss

And In the Alternative,
Motion to Hold in Abeyance
Errata Copy^[*]

Warren Havens (“Havens”), Environmental LLC (“ENL”), Environmental-2 LLC (“ENL-2”), Verde Systems LLC (“VSL”), Intelligent Transportation & Monitoring Wireless LLC (“ITL”), Telesaurus Holdings GB LLC (“THL”), V2G LLC (“V2G”) and Skybridge Spectrum Foundation (“Skybridge”) (together “Petitioners”) file this motion (the “Motion”) the captioned applications (the “Applications”) seeking to renew the above-captioned licenses (the “Licenses”) of Maritime Communications/Land Mobile, LLC, Debtor-in-Possession (“MCLM” or “MCLM DIP” or “Applicant”)¹ (the Licenses were formerly held by MCLM’s predecessors-

^[*] *Changes shown in striketout for deletions, and blue italic text for additions.*

¹ Herein Petitioners use the term “MCLM” to mean Maritime Communications/Land Mobile, LLC, prior to bankruptcy, Maritime Communications/Land Mobile, LLC, Debtor-in-Possession, or both, and also its predecessors-in-interest, depending on the context.

in-interest, Mobex Network Services, LLC (“Mobex”) and its predecessor, Waterway Communications System, LLC (“Watercom”).

This Motion (the “Motion”) accompanies a petition to deny (the “Petition”) including its separate Supplement (*with a request to extend pleading cycle*) filed concurrently by the undersigned (the “Petitioners”) regarding the Applications captioned above.

This Motion is timely filed for reasons explained in the Petition. Capitalized terms used herein that are not defined herein have meanings given in the Petition.

The Applications should be dismissed for reasons given below, or in the alternative, the Applications should be held in abeyance under conditions noted below. Petitioners reserve rights to seek reconsideration of a denial of this Motion’s request for dismissal, even if the alternative relief is granted.

Motion to Dismiss

The Applications should be dismissed for the following reasons:

1. The Applications were submitted without authority, since they were signed and submitted by Sandra Depriest who is, by the Applicant’s own admission (and otherwise shown in FCC records), a disqualified person to hold and exercise rights under the Licenses. MCLM, the Applicant, admitted to this in its recently filed applications (FN 0005552500) to assign MCLM AMTS licenses to Choctaw² along with a showing under the so-called Second Thursday doctrine (which does not apply to this case for many reasons).³ Since Ms. Depriest has admitted, in said assignment applications she submitted for MCLM (*and, in the below noted Petition to Stay and*

² Choctaw Telecommunications, LLC, Choctaw Holdings, and its controller and agents acting under the “M-C Plan” defined herein (collectively “Choctaw”).

³ This showing is false, lacks candor, misrepresents, and is fraudulent for reasons Petitioners will present in other pleadings to appropriate persons in the FCC. It also constitutes an impermissible late filed request for reconsideration of the Commission’s Hearing Designation Order, FCC 11-64.

Motion for Summary Decision, confirmed by Choctaw), to being disqualified, she cannot act for MCLM to renew licenses.⁴

MCLM was free to obtain a qualified trustee in its bankruptcy proceeding, not tainted by the wrongdoers or controlled by them-- but it failed to do so. Instead, it chose to keep the wrongdoers, now admitted (at least two now admitted), in charge of MCML as the Debtor in Possession. (It further chose to sell its FCC licenses to a group of secured creditors, Choctaw, that loaned in full knowledge of the wrongdoing shown on ULS on the licenses that were the basis of the security.⁵)

MCLM has put itself in a position where all it may seek is special relief from the FCC, to take any action at all with its FCC licenses, unless it completes the Hearing under FCC 11-64, docket 11-71 and prevails, and establishes that its controllers and management ~~is~~ *are* not disqualified. Alternatively, as the MCLM-Choctaw Chapter 11 Plan⁶ (the “M-C Plan”)

⁴ This showing is clear in this regard, but spuriously avoids a direct admission. That is, a threshold issue under Second Thursday is who are the wrongdoers in control or management of the subject license, and based on that determination, who are the “innocent creditors” that may, in circumstances (not present here) be entitled to benefit from a sale of the subject license that otherwise is in a revocation hearing and may be revoked. Here, Ms. Depriest will not explicitly state that she and her husband are the wrongdoers, but she (and the FCC) is aware that the HDO, FCC 11-64 indicates that they are wrongdoers (but does not indicate that only they may be found as wrongdoers, in fact, John Reardon was the CEO of MCLM and he continues as the chief officer in Choctaw). To seek relief under Second Thursday (or in this case, a new doctrine being attempted by MCLM and Choctaw), there must be an admission—that the FCC accepts (or that the FCC otherwise finds)—of the wrongdoers, as the threshold step. In the noted showing, Ms. Depriest admits that he and her husband cannot get benefit from sale of the licenses: that is an admission that they are wrongdoers that lack character and fitness to hold and control any FCC license.

⁵ The security instruments are shown publicly in the bankruptcy, on PACER, and provide that the licenses, and station equipment, and proceeds therefrom, are the security. From the start of MCLM applying for licenses (first the site based, then the geographic licenses) to this day, the wrongdoing was show, in clear presentations of facts and law, in Petitioners pleading under the licenses on ULS, along with certain FCC investigation materials, which ultimately were referenced in and summarized in large part in the HDO, FCC 11-64.

⁶ This M-C Plan is the plan under the Order Confirming Plan of Reorganization [Dkt. #s 973, 980] of Judge Houston in the MCLM bankruptcy, Case No. 11-13463, entered on or about January 11, 2013, *along with any corollary and amended materials to this date*.

describes, it may give up under this Plan, and proceed with the bankruptcy under another plan, where the wrongdoers are replaced by persons qualified to act under FCC licenses in the bankruptcy and any plan the *bankruptcy* court approves to resolve the bankruptcy.

2. The M-C Plan and actions under it, including the Applications, are under an impermissible transfer of control. Under the M-C Plan, Choctaw is acting as the *de facto* controller and manager of the MCLM licenses, including the Licenses and including the subject Applications under the Licenses. For example, Choctaw submitted in the MCLM Hearing under docket 11-71 a “Petition to Stay” on January 23, 2013, and the next day a “Motion for Summary Decision on Issue G,” each directly asserting authority to act under and for the MCLM licenses-- (on critical aspects of the Hearing the full Commission established that may terminate and revoke all of the licenses under the M-C Plan—not a minor matter that may be deemed an inadvertent error)-- including the instant Licenses and thus the Applications.

By the filing of and the content of said Petition to Stay and Motion for Summary Decision alone, it is clear that MCLM has transferred control to Choctaw.⁷

The M-C Plan itself contains language that vests control in Choctaw prior to FCC approval, as seen by reading the Plan. This includes (from Doc. 669 in the bankruptcy case) (underlining, and page references in brackets, added):

[p. 25:] If Choctaw... determine[s]... in [its] sole and absolute discretion, that obtaining approval of the transfer of any FCC Spectrum License from Maritime [MCLM] is cost prohibitive, ... such FCC Spectrum Licenses will

⁷ The reasons for this are easy to understand by review of the MCLM bankruptcy case pleadings and Orders, and even by a reading of the Second Thusday showing noted above and the Petition to Stay noted above: These describe how Mr. and Mrs. Depriest have, under the C-T Plan, obtained a commitment from Choctaw *to relieve them from their personal guarantees of the Choctaw members’ secured debt, which was in the range of ten millions dollars*, without which the Depriests would have negative net worth (according to court pleadings in the case of Goad v. Depriest. See Exhibit 1 hereto. It appears that the Depriests had no choice but financial ruin, or agreeing to the M-C Plan. In any case, it is clear that Choctaw is ~~not~~ *now* acting in control of the Licenses without FCC approval.

remain property of the Debtor. **** [p. 29:] Debtor [MCLM] ... will continue in an active posture by monitoring and assisting in the FCC approval process.... In the event Choctaw... cannot obtain FCC approval... then the FCC Spectrum Licenses will be returned to the Debtor. **** [p.35:] Once the Plan is in effect, [Choctaw] Holdings will be able to effectively manage the business... of the FCC Spectrum Licenses.

This cited language in the M-C Plan (and other language)⁸ makes clear the Choctaw control, including that “[o]nce the plan is in effect” (which has already occurred, by the court Order approving the plan, noted above), then it is Choctaw that will manage the licenses and business of the license, and try to obtain FCC approval of the assignment of the licenses to itself, with MCLM “monitoring and assisting” in that, failure of which the licenses’ control “will be returned to Debtor” MCLM. Choctaw is proceeding with that as noted above, including by the Petition to Stay and the Motion for Summary Decision.

However, MCLM did not apply for and obtain FCC approval of this transfer of control. Thus, MCLM controllers are disqualified for this reason also, and its actions under the Applications are invalid. Choctaw already has control of MCLM, its business and its FCC licenses including the Licenses, and has caused MCLM to submit the Applications, in violation of FCC law.

3. The Applications are defective for lack of a required Section 1.65 filing, identifying the assignment application of the subject Licenses to Choctaw, and the Choctaw (under impermissible control obtained from MLCM) actions related to the Licenses, described above.

For all the above reasons, the Applications should be dismissed.

⁸ The M-C Plan and other documents in the bankruptcy proceeding, reveal that Choctaw members held security interest that included, as stated (and not amended in the official copies in the bankruptcy case) the FCC licenses themselves, and the licenses’ stations’ equipment, as well as the proceeds from these. This, combined with the personal guarantees by the Depriests, cause these secured lenders to have de facto control over MCLM from even prior to filing of the bankruptcy. But in any case, the Choctaw control is stated in the M-C Plan and is ~~not~~ now in practical effect as described above.

Motion to Hold in Conditional Abeyance

If the Applications are not dismissed as requested above, then in the alternative, Petitioners ask that the Applications, *but for “automatic termination” issues*,^[*] be held in conditional abeyance until the issues raised above are determined, and other underlying matters that should first be decided.

The condition requested is that parties with interest and standing, including Petitioners, be permitted to submit pleadings, deemed timely, during the period of abeyance as to whether or not the Applications should be granted or denied in full or part under applicable criteria in 47 USC §309(a) – (d).

MCLM, *and* its licenses, including the subject Licenses and related Applications, are in an extraordinary position, caused by MCLM and its predecessors’ own wrongdoing (in part reflected in the Hearing under docket 11-71), the special relief MCLM (~~or~~ *and* its successor Choctaw) now seeks to keep any of the licenses, the transfer of control to Choctaw already in action, and in other ways. The Bureau and the Commission (to the degree the Commission takes over any of these matters) should resolve each major underlying component of decisional importance in this extraordinary situation in logical sequence. Action on the subject Applications (*but for “automatic termination” issues*) would not be proper or efficient until the underlying components are resolved. Acting on the Applications prior thereto, will only add more problems and inefficiencies.

[The rest of this page is intentionally blank.]

^[*] *Already clear in FCC records, occurring years ago under §§ 80.475(a) (2001), 80.49, 80.60, 1.955, 1.946 and other clear FCC rules and orders.*

Respectfully submitted, January 25, 2013, for each entity listed below,

/s/ Warren Havens

[Submitted Electronically. Signature on File]

Warren C. Havens, Individually and as President of each other Petitioner:

Environmental LLC

Environmental-2 LLC

Verde Systems LLC

Intelligent Transportation & Monitoring Wireless LLC

Telesaurus Holdings GB LLC

Skybridge Spectrum Foundation*

V2G LLC

2509 Stuart Street

Berkeley, CA 94705

Ph: 510-841-2220. Fx: 510-740-3412

*Skybridge agrees to accept service at the above address for purposes of this filing.

Notices:

Any responsive or related pleading to this instant pleading, to be served upon a party that has signed this pleading, must be served upon that party directly and separately from any other party or parties that signed this pleading.

No party that signed this pleading, nor the officer who signed for said party, waives the right to be directly, timely, and otherwise lawfully served (including by use of the accurate party name, address, and any contact person as stated in this pleading) any such responsive or related pleading.

SkyTel Notes: These margin notes were prepared for a past FCC pleading, prior to 2013.
We leave the margin notes as they were.

IN THE CIRCUIT COURT OF LOWNDES COUNTY, MISSISSIPPI

FRED C. GOAD

PLAINTIFF

VS.

C. A. NO. 2008-0079-CV1

DONALD R. DEPRIEST and MARITIME
COMMUNICATIONS/LAND MOBILE, LLC

DEFENDANTS

DEFENDANT, DONALD R. DEPRIEST'S,
ANSWERS AND RESPONSES TO
PLAINTIFF'S POST-JUDGMENT INTERROGATORIES
AND REQUESTS FOR PRODUCTION OF DOCUMENTS

COMES NOW, Defendant, Donald R. DePriest, and files this his Answers and
Responses to Plaintiff's Post-Judgment Interrogatories and Requests for Production of
Documents as follows:

INTERROGATORIES

INTERROGATORY NO. 1: Regarding your current employment, please

state:

- (a) the name and address of your employer(s);
- (b) your job title(s) and a description of the duties you perform;
- (c) the name(s) of your immediate supervisor(s); and
- (d) the date you became employed.

ANSWER TO INTERROGATORY NO. 1:

- (a) I am not employed.
- (b) Not applicable.
- (c) Not applicable.

(d) Not applicable.

INTERROGATORY NO 2: Identify the compensation you receive from

any source as follows:

- (a) the method by which your income is determined;
- (b) your base rate of pay;
- (c) gross and net earnings for each paycheck received by you since January 1, 2006; and
- (d) type and amount of each deduction made from your paychecks.

ANSWER TO INTERROGATORY NO. 2: The Defendant objects to

Interrogatory No. 2 as being overly broad and burdensome in requesting information going back to January 1, 2008, some 2½ years ago, and for the further reason of relevancy going back to January 1, 2008. However, Defendant will answer to the best of his ability, beginning with November 3, 2008, the approximate date of the Judgment against Mr. DePriest in this action.

(a) Any earnings, monies, streams of income of Mr. Depriest subsequent to November 3, 2009, have been minimal. What little income I have is determined by my Certified Public Accountant on a cost basis.

(b) Not applicable.

(c) I do not receive any paycheck. As mentioned, my earnings since June 2009 have been minimal.

(d) Not applicable.

INTERROGATORY NO. 3: Please list all companies from which you are receiving, have received, or are entitled to receive, any payments of any kind since January 1, 2006.

ANSWER TO INTERROGATORY NO. 3: The Defendant objects to Interrogatory No. 3 as being overly broad and burdensome in requesting information going back to January 1, 2008, some 2½ years ago, and for the further reason of relevancy going back to January 1, 2008. However, Defendant will answer to the best of his ability, beginning with November 3, 2008, the approximate date of the Judgment against Mr. DePriest in this action. Donald R. DePriest will produce his 1040 U. S. Individual Income Tax Return for the 2008 taxable year filed with the Internal Revenue Service of the United States of America filed as a joint return by Donald R. DePriest and wife, Sandra F. DePriest, upon execution and return of a Confidentiality Agreement attached hereto as Exhibit "A" protecting the confidentiality of Sandra F. DePriest, who is not a party to this action. Donald R. DePriest source of income since November 3, 2008 have been minimal.

INTERROGATORY NO. 4: For all monies received by you since January 1, 2008, from sources other than those previously described, including, but not limited to, sale of assets, interest, dividends, payments on promissory notes held by you, rental income, income from investments, or consulting fees, please state:

- (a) the date each sum was received;
- (b) amount of each receipt;

Donald DePriest and wife Sandra Depriest have joint tax returns, and thus joint business affairs.

Sandra Depriest alleges to own Martime Communications/ Land Mobile LLC.

This appears to mean that they have joint ownership in this LLC.

- (c) the source for each receipt; and
- (d) reason for each receipt of money by you.

ANSWER TO INTERROGATORY NO. 4::

- (a) See Answer to Interrogatory No. 3 above.
- (b) See Answer to Interrogatory No. 3 above.
- (c) See Answer to Interrogatory No. 3 above.
- (d) See Answer to Interrogatory No. 3 above.

In addition to the tax return, which will be produced upon execution of the Confidentiality Agreement, the Defendant provides the following information:

- (1) Trustmark National Bank, Acct. No. 880-832-6381, in the name of Don DePriest d/b/a Greenbriar Construction Account. (See copy of statement contained in collective Exhibit "B-1");
- (2) BK Bank, Account No. 4483863, in the name of Donald R. DePriest. (See copy of statement contained in collective Exhibit "B-2");
- (3) Bank of Nevis, Ltd., Account No. 1700300, in the name of Donald R. DePriest. (See copy of statement contained in collective Exhibit "B-3");
- (4) Renasant Bank, Account No. 0903428591, in the name of Donald R. DePriest. (See copy of statement contained in collective Exhibit "B-4");
- (5) Servis 1st, Account No. 100031236, in the name of Donald R. DePriest. (See copy of statement contained in collective Exhibit "B-5");
- (6) Bank of Vernon, Account No. 163787206, in the name of Donald R. DePriest. (See copy of statement contained in collective Exhibit "B-6");
- (7) BNA Bank, Account No. 127500001, in the name of Donald R. DePriest. (See copy of statement in collective Exhibit "B-7");

- (8) First Commercial Bank, Account No. 000-105-021-6, in the name of Donald R. DePriest or Belinda Hudson. (See copy of statement contained in collective Exhibit "B-8");
- (9) Concordia Bank & Trust Co., Account No. 4567811, in the name of Donald R. DePriest. (See copy of statement contained in collective Exhibit "B-9");
- (10) First Commercial Bank, Account No. _____, in the name of Donald R. DePriest. (Closed); and
- (11) BankFirst, Account No. _____, in the name of Donald R. DePriest. (Closed).

INTERROGATORY NO. 5: For each parcel of real property in which you have an interest, please state:

- (a) the address or location;
- (b) date acquired;
- (c) purchase price;
- (d) names(s) in which titled;
- (e) name and address of note and/or mortgage holder;
- (f) outstanding principal balance of indebtedness secured by a lien on the parcel;
- (g) present fair market value of each parcel; and
- (h) the income tax basis in the property.

"You" in the Plaintiff Goad's interrogatories appears to address Defendants Depriest and Maritime: There is no sense in asking only Depriest, and not Maritime, since they are co-defendants and co-judgment debtors.

ANSWER TO INTERROGATORY NO. 5: The Defendant objects to Interrogatory No. 5 as being overly broad and burdensome in requesting information going back to January 1, 2008, some 2½ years ago, and for the further reason of relevancy going back to January 1, 2008. However, Defendant will answer to the best of

his ability, beginning with November 3, 2008, the approximate date of the Judgment against Mr. DePriest in this action. Donald R. DePriest attaches the legal descriptions of these properties, where he has them. (See collective Exhibit "C"). Any documents evidencing interest of Donald R. DePriest (where not produced) is a matter of public record and can be obtained by Plaintiff:

- (1) 4-Unit apartment building, 6th Ave. Noth, Columbus, MS, acquired about 1989 for an approximate price of \$100,000.00 with a fair market value today of approximately \$150,000 and mortgaged to Bank of Vernon;
- (2) House located on 1018 4th Ave. South, Columbus, MS, acquired about 1988 for the purchase price of \$35,000.00 with a fair market value today of approximately \$40,000 and fully mortgaged to the Bank of Vernon;
- (3) Approximately a 17 acre commercial property located on Lehmberg Road, Columbus, MS, acquired about 1990 at and for approximately \$200,000.00 with a fair market value today of approximately \$375,000 and fully mortgaged to the Bank of Vernon;
- (4) Approximately 8 acre commercial site located on Bluecutt Road, Columbus, MS, acquired at various times between 1976 and 1996 at a average purchase price of approximately \$300,000, with a fair market value today of approximately \$800,000.00 and fully mortgaged to BancorpSouth and Pinnacle National Bank;
- (5) Approximately 1,400 acres of farmland located in Noxubee County acquired at various times between 1989 and 1997 at an average purchase price of approximately \$800,000, with a fair market value today of approximately \$1,700,000 and fully mortgaged to the Bank of Vernon and Renasant Bank;
- (6) Approximately 1,750 acres of farmland located in Clay County, MS, acquired in approximately 1989 for an approximate purchase price of \$600,000, with a fair market value today of approximately \$2,700,000 and fully mortgaged to BancorpSouth and Pinnacle National Bank;
- (7) Approximately 620 acres of farmland located in Monroe County, MS, acquired in approximately 1989 for an approximate purchase price of \$350,000, with a fair market value today of approximately \$900,000 and fully mortgaged to Bank of Vernon and Renasant Bank;

Collateral backing debt with BancorpSouth and Pinnacle National Bank has less value than debt. However, MCLM's UCC says FCC licenses are collateral too, which would explain why the real party collateral can be less than total debt.

- (8) Approximately 8 acres of commercial land, under 16th Section Lease, in Carroll County, MS, acquired in approximately 1972 for an annual lease payment of \$5,000, with an unknown fair market value (due to the 16th Section Lease) and fully mortgaged to the Bank of Vernon;
- (9) House and lot located at 310 North Wall Street, Natchez, MS, acquired in approximately 1989 for a purchase price, plus remodeling expense, of approximately \$900,000, with a fair market value today of approximately \$2,000,000 and fully mortgaged to BK Bank and Southeast Commercial Finance;
- (10) House and lot located at 663 Greenbriar Dr., Columbus, MS, acquired in approximately 2001 for an approximate purchase price of \$800,000, with a fair market value today of approximately \$800,000 and fully mortgaged to BankFirst and Tennessee Commerce Bank;
- (11) Commercial restaurant building housing La Fiesta Brava, located on Alabama Street, Columbus, MS, acquired in approximately 2002 for an approximate purchase price of \$200,000, with a fair market value today of approximately \$150,000 and fully mortgaged to BancorpSouth; and
- (12) House located at 206 8th Street North, Columbus, MS, acquired in approximately 1992 for an purchase price, including remodeling, of approximately \$250,000, with a fair market value today of \$200,000, and fully mortgaged to Trustmark Bank.

With regard to the Answers to Interrogatories Nos. 5(f), 11(e), and 11(f), Mr.

DePriest attaches composite Exhibit "D", which represents the following obligations of

Donald R. DePriest:

| | <u>Date</u> | <u>Lender</u> | <u>Principal Amt.</u> | <u>Collateral</u> |
|-----|-------------|---------------------------|-----------------------|------------------------------------|
| (1) | 12/22/08 | Pinnacle National Bank | \$ 2,040,000.00 | Clay Co. 1750 acres & Bluecutt Rd. |
| (2) | 12/15/07 | Fifth Third Bank | \$ 300,000.00 | Unsecured |
| (3) | 12/30/03 | BankFirst Financial Serv. | \$ 700,437.00 | 663 Greenbriar Dr. |
| (4) | 2/13/06 | BancorpSouth | \$ 3,538,568.00 | Clay Co. 1750 acres & Bluecutt Rd. |

False: some of these use or appear in UCC filings to use Maritime assets and interests as collateral.

Also, Depriest says herein that he and his wife, who alleges to own Maritime, have joint tax returns, thus joint economic interests.

| | <u>Date</u> | <u>Lender</u> | <u>Principal Amt.</u> | <u>Collateral</u> |
|------|-------------|-------------------------------------|-----------------------|---|
| (5) | 12/20/02 | Citizens National Bank | \$ 175,072.50 | Bluecutt Rd. Commercial Property & Lehmberg Rd. Commercial Property |
| (6) | 10/24/06 | BK Bank | \$ 1,130,838.42 | House & Lot, Natchez, MS |
| (7) | 3/31/08 | Renasant Bank | \$ 1,202,777.08 | 200 acres in Noxubee County & 504 acres in Monroe County |
| (8) | 7/23/07 | Bank of Vernon | \$ 3,578,153.94 | 1100 acres in Noxubee County, Lehmberg Rd. Commercial Prop., 4 Unit Apartment Building, & 120 acres in Monroe County |
| (9) | 6/20/08 | First National Bank of Talladega | \$ 408,927.87 | Bioventure stock & Maritel stock |
| (10) | 11/9/01 | Trustmark National Bank | \$ 175,000.00 | 206 8 th St. North |
| (11) | 1/9/09 | Tennessee Commerce Bank | \$ 329,247.25 | 636 Greenbriar Dr. |
| (12) | 6/16/09 | BNA Bank | \$ 521,857.36 | Texco stock |
| (13) | 1/25/07 | Priority One Bank | \$ 175,520.00 | Oil & water separator |
| (14) | 8/3/05 | Servis 1 st Bank | \$ 500,000.00 | Bioventure stock |

| | <u>Date</u> | <u>Lender</u> | <u>Principal Amt.</u> | <u>Collateral</u> |
|------|-------------|------------------------------|-----------------------|-------------------|
| (15) | 12/22/02 | Regions Bank | \$ 700,000.00 | Maritel stock |
| (16) | 6/22/07 | West Alabama Bank & Trust | \$ 610,541.48 | Maritel stock |
| (17) | 2/17/00 | BankFirst Financial Serv. | \$ 100,025.00 | Excavator |

INTERROGATORY NO. 6: For all stocks, bonds and other securities owned by you or in which you have had an interest since January 1, 2008, please state for each:

- (a) the name of the company or entity which issued the stocks, bonds or other securities;
- (b) the number of shares owned;
- (c) date acquired;
- (d) purchase price;
- (e) present fair market value;
- (f) date of maturity and value at maturity (if applicable);
- (g) whether the stocks, bonds or other securities have been pledged to secure any debt or obligation. If the answer to item (h) is "yes", please state:
 - (i) the name and address of the creditor;
 - (ii) the date the debt or obligation was incurred;
 - (iii) the reason the debt or obligation was incurred;

- (iv) the original amount of the debt or obligation;
 - (v) the current principal balance; and
 - (vi) the date the debt is due in full.
- (h) whether the stocks, bonds or other securities are still owned. If the answer to item (i) is “no”, please state for each stock, bond, or other security:
- (i) the date of disposition;
 - (ii) the consideration received; and
 - (iii) the disposition of the proceeds.

ANSWER TO INTERROGATORY NO. 6: The Defendant objects to Interrogatory No. 6 as being overly broad and burdensome in requesting information going back to January 1, 2008, some 2½ years ago, and for the further reason of relevancy going back to January 1, 2008. However, Defendant will answer to the best of his ability, beginning with November 3, 2008, the approximate date of the Judgment against Mr. DePriest in this action:

- (a) MCT Investors, Inc. (Dissolved);
- (b) MedCom Development Corporation (Administratively dissolved);
- (c) American Non-Woven Corporation – All assets sold at auction and distributed to Bank of Vernon;
- (d) Smith Moco #1 and #2 – All assets transferred to Victor Smith about six months ago due to inability of Donald R. DePriest to meet capital calls;
- (e) Protective Systems, Inc. (Administratively dissolved);

- (f) Penelore Corporation – Donald R. DePriest owns 100% of the issued common stock;
- (g) BioVentures, Inc., a Tennessee Corporation, P. O. Box 2561, Murfreesboro, TN 37133-2561 – Donald R. DePriest owns approximately 12% of the issued common stock, all of which is pledged;
- (h) Maritel, Inc., incorporated under the laws of Tennessee – Donald R. DePriest owns approximately 20% of the issued common stock, all of which is pledged;
- (i) TexCo Communications, Inc., a Texas Corporation – Donald R. DePriest owned approximately 10% of this corporation, which is now dissolved;
- (j) Image Processing Technology, Inc., a Delaware Corporation – This corporation is dissolved;
- (k) Wireless Properties of Virginia, Inc., a Delaware Corporation – Donald R. DePriest owns 100% of the common stock, all of which is pledged;
- (l) Bravo Communications, a Mississippi Corporation – Donald R. DePriest owns 100% of the common stock, all of which is pledged;
- (m) Southeastern Commercial Financial, LLC, an Alabama LLC – Donald R. DePriest owns 10% of this LLC; and
- (n) Various corporations, LLCs, and Limited Partnerships, which have formed from time to time over the last few years which have no assets and have not been capitalized.

INTERROGATORY NO. 7:

For each and every business in which you own an interest, excluding publicly-held corporations, state:

- (a) the name and address of the company;
- (b) a description of the business activities in which the company engages;
- (c) the percentage of the business owned by you;

Depriest says he owns 10% in this- the proposed emergency lender to Martime, which Depriest and his wife own and control.

This lender's owner Mr. Trammell, also backs Donald Depreist in his court case against Peter Harmer in US Dist. Court in the State of MS, now pending, and may have other loans to Depriest ventures.

- (d) number of shares of stock authorized and outstanding (if incorporated);
- (e) name, addresses and percentage of business owned by all other persons who have an interest in the business;
- (f) dates and amounts of all capital contributions and loans made by you to the business;
- (g) your opinion of the fair market value of your interest in the business as of the date of your answers; and
- (h) the basis of your opinion.

ANSWER TO INTERROGATORY NO. 7:

- (a) See Answer to Interrogatory No. 6.
- (b) See Answer to Interrogatory No. 6.
- (c) See Answer to Interrogatory No. 6.
- (d) See Answer to Interrogatory No. 6.
- (e) See Answer to Interrogatory No. 6.
- (f) See Answer to Interrogatory No. 6.
- (g) See Answer to Interrogatory No. 6.
- (h) See Answer to Interrogatory No. 6.

INTERROGATORY NO. 8: For each and every checking account, savings account, investment club account, certificate of deposit, money market certificate, treasury bills, mutual fund account, liquid asset account, stock brokerage account or

like monetary asset maintained by you since January 1, 2005, on which you now have, or have had, signatory privileges, to which you have made deposits, from which you have made withdrawals, or to/from which deposits and/or withdrawals have been made for your benefit or on your behalf since that date, please state:

- (a) name and address of financial institution where maintained;
- (b) the name(s) in which the account is/was maintained;
- (c) account number;
- (d) present balance;
- (e) maturity date (if applicable); and
- (f) value at maturity (if applicable).

ANSWER TO INTERROGATORY NO. 8: The Defendant objects to Interrogatory No. 8 as being overly broad and burdensome in requesting information going back to January 1, 2008, some 2½ years ago, and for the further reason of relevancy going back to January 1, 2008. However, Defendant will answer to the best of his ability, beginning with November 3, 2008, the approximate date of the Judgment against Mr. DePriest in this action:

- (a) See Answer to Interrogatory No. 3.
- (b) See Answer to Interrogatory No. 3.
- (c) See Answer to Interrogatory No. 3.
- (d) See Answer to Interrogatory No. 3.
- (e) See Answer to Interrogatory No. 3.

(f) See Answer to Interrogatory No. 3.

INTERROGATORY NO. 9: For each and every policy of insurance on your life presently in effect or on the life of someone else which is owned by you or in which you claim an interest, please state:

- (a) the name and address of the insurance company;
- (b) policy number;
- (c) the name of insured;
- (d) name of owner of policy;
- (e) face amount of policy;
- (f) present cash surrender value of policy;
- (g) total amount of loans outstanding against cash surrender value;
- (h) name(s) of beneficiary(ies);
- (i) amount of premium;
- (j) interval at which premiums are paid; and,
- (k) name and address of person or entity which pays premium.

ANSWER TO INTERROGATORY NO. 9: There are no policies of insurance.

INTERROGATORY NO. 10: If you have canceled any policies of life insurance or changed the beneficiary of any policy of life insurance since January 1, 2008, please state,

- (a) the name and address of the insurance company;

- (b) policy number;
- (c) name of owner of policy;
- (d) face amount of policy;
- (e) date of cancellation and/or change of beneficiary;
- (f) cash value at time of cancellation;
- (g) name(s) of current beneficiaries under said policy; and
- (h) disposition of proceeds received from policy at time of cancellation.

ANSWER TO INTERROGATORY NO. 10: Not applicable.

INTERROGATORY NO. 11: For each and every motor vehicle owned by you or in which you have an interest, including but not limited to, automobiles, trucks and boats (including motors and trailers), and airplanes, please state:

- (a) the type, year, make and model;
- (b) VIN;
- (c) date acquired;
- (d) name(s) in which titled;
- (e) total amount of any outstanding debt;
- (f) name and address of creditor;
- (g) amount of monthly payment;
- (h) fair market value of vehicle; and
- (i) location of vehicle.

ANSWER TO INTERROGATORY NO. 11: To the best of Donald R.

DePriest's knowledge, he owns the following personal property:

- (a) 1987 Mazda;
- (b) 2000 pickup truck;
- (c) 1990 Chevrolet Suburban;
- (d) 1996 Dodge pickup truck;
- (e) 1996 Jaguar Sedan;
- (f) 3 John Deere tractors;
- (g) Kamatsu excavator; and
- (h) Oil and water separator machine.

All of these vehicles are pledged as security for debts owed by Mr. DePriest. See Answer to Interrogatory No. 5.

INTERROGATORY NO. 12: For each and every asset with a value in excess of \$5,000 owned by you or in which you have an interest not previously listed in your Answer to these Interrogatories, including, but not limited to, debts owed to you, stock options, jewelry, furs, cash, coins or other collectible items, horses, hunting dogs, kennels, gold, silver, antiques and office furnishings, state:

- (a) the name or description of assets;
- (b) date acquired;
- (c) purchase price;
- (d) total amount of debt outstanding against the assets; and

(e) its present fair market value.

ANSWER TO INTERROGATORY NO. 12: The Defendant objects to

Interrogatory No. 12 as being overly broad and burdensome in requesting information going back to January 1, 2008, some 2½ years ago, and for the further reason of relevancy going back to January 1, 2008. However, Defendant will answer to the best of his ability, beginning with November 3, 2008, the approximate date of the Judgment against Mr. DePriest in this action. See Answers to Interrogatories 3, 5, 6, and 11. In addition Mr. DePriest has the following brokerage accounts:

- (a) Morgan Keegan Brokerage Account, Account No. 510879222, with approximately \$1,500.00;
- (b) A.C. Edwards Brokerage Account (Wells Fargo), Account No. 423-064390-002, with approximately \$100.00;
- (c) Waddell & Reed United Funds, Account No. 08250854, with very little money.

→ In addition, Robert M. Sullins, 6006 Murray Lane, Brentwood, TN 37027, owes Donald R. DePriest approximately \$500,000, \$300,000 principal and approximately \$200,000 interest.

This Interrogatory will be supplemented as soon as the account numbers and addresses can be ascertained.

INTERROGATORY NO. 13: Please list each and every asset with a value in

excess of \$5,000.00 sold, conveyed, transferred, given as a gift or otherwise disposed of by you since January 1, 2008, other than those assets which have previously been listed as sold or transferred, showing for each such asset:

Depriest guarantees some Martime loans-- said guarantees are assets of the Debtor, Martime.

Why, then, does Martime need an emergency loan?

Depriest is owed these sums: why does he not collect, then make good on the guarantee of Martime debts, or some of them he backed?

- (a) description of the asset (including dollar amount of any funds transferred);
- (b) date transferred;
- (c) name(s) and address(es) of person(s) to whom transferred;
- (d) consideration received by you for transfer; and,
- (e) reason for transfer.

ANSWER TO INTERROGATORY NO. 13: The Defendant objects to Interrogatory No. 13 as being overly broad and burdensome in requesting information going back to January 1, 2008, some 2½ years ago, and for the further reason of relevancy going back to January 1, 2008. However, Defendant will answer to the best of his ability, beginning with November 3, 2008, the approximate date of the Judgment against Mr. DePriest in this action. Since November 2008, the Answer to Interrogatory No. 13 and subparagraphs (a) through (e) is none.

REQUESTS FOR PRODUCTION OF DOCUMENTS

REQUEST FOR PRODUCTION NO. 1: All W-2 forms, Forms 1099, K-1s, payroll check stubs, and all other evidence of income and other monies received by you since January 1, 2008, from any source whatsoever, including, but not limited to gifts to you, loans to you, royalties, bonuses, free-lance projects, sale of assets, interest, dividends, payments on promissory notes held by you, rental income, income from investments or consulting fees.

RESPONSE TO REQUEST FOR PRODUCTION NO. 1: Defendant objects to

Request No. 1 as being overly broad and burdensome. However, Defendant will answer to the best of his ability beginning with November 2008, the approximate date of the Judgment against Mr. DePriest in this action. Donald R. DePriest will produce the 1040 U.S. Individual Income Tax Return for the 2008 taxable year filed with the Internal Revenue Service of the United States of America, filed as a joint return by Donald R. DePriest and Sandra F. DePriest upon execution and return of the Confidentiality Agreement attached as Exhibit "A". Donald R. DePriest sources of income since November 2008 have been minimal.

REQUEST FOR PRODUCTION NO. 2: Your joint or single federal income tax returns for the tax year 2005 and thereafter, including all W-2s, Forms 1099, K-1s, used in the preparation thereof, and any other documents which were or will be attached and filed therewith.

RESPONSE TO REQUEST FOR PRODUCTION NO. 2: See Response to Request No. 1.

REQUEST FOR PRODUCTION NO. 3: All documents which reflect the purchase price of, cost of improvements to, and fair market value of all real property in which you own an interest.

RESPONSE TO REQUEST FOR PRODUCTION NO. 3: See Answer to Interrogatory No. 5.

This is contrary to what they told the FCC, Donald and Sandra DePriest filed joint returns. They do not live separate economic lives as they stated to the FCC and thus they fully knew that Mr. DePriest was an affiliate who had to be listed on MCLM's Form 175 and 601.

REQUEST FOR PRODUCTION NO. 4: Evidence of ownership, such as stock certificates, partnership agreements, operating agreements, and any other documents which evidence any interest which you have in any business, whatsoever, whether it be a corporation, partnership, sole proprietorship, limited liability company, joint venture, or any other form of business organization.

RESPONSE TO REQUEST FOR PRODUCTION NO. 4: See Answer to Interrogatory No. 6.

REQUEST FOR PRODUCTION NO. 5: Copies of all Federal Income Tax returns for the last two years of every corporation, partnership, sole proprietorship, limited liability company, joint venture, or other business entity of any kind whatsoever (excluding public held corporations) in which you now own, or have owned, an interest in the past five years, together with copies of all W-2s, 1099s, K-1s, and all other documents, attachments, schedules, and worksheets provided to you regarding those tax returns.

RESPONSE TO REQUEST FOR PRODUCTION NO. 5: See Answers to Interrogatory No. 1 and No. 6.

REQUEST FOR PRODUCTION NO. 6: Any written employment agreements, management agreements, consulting agreements, or other contractual agreements of any kind entered into between you and any other persons or business entities.

RESPONSE TO REQUEST FOR PRODUCTION NO. 6: None.

REQUEST FOR PRODUCTION NO. 7: All documents evidencing any liens or judgments against you that remain unsatisfied.

RESPONSE TO REQUEST FOR PRODUCTION NO. 7: Defendant objects to Request No. 7 as being overly broad and burdensome. However, Defendant will answer to the best of his ability beginning with November 2008, the approximate date of the Judgment against Mr. DePriest in this action. See collective Exhibit "E" representing the following Judgments against Donald R. DePriest:

False: some of these are Martime debits as well, and/or use Martime as collateral.

- (a) Judgment in favor of Edna H. Smith in the amount of \$43,948;
- (b) Judgment in favor of Oliver L. Phillips in the amount of \$9,133,230; ←
- (c) Judgment in favor of Fifth Third, N.A. in the amount of \$298,472.45; ←
- (d) Judgment in favor of Head & Engquist Equipment, LLC in the amount of \$23,639.68;
- (e) Judgment in favor of ADECA in the amount of \$2,219,007.95; ←
- (f) Judgment in favor of Western Nonwovens, Inc. in the amount of \$118,000;
- (g) Judgment in favor of Fred C. Goad in the amount of \$191,589; and ←
- (h) Judgment in favor of Fifth Third Bank in the amount of \$259,920.13. ←

Mr. DePriest (& companies) owe substantial debt to several parties. It would appear his wife and he conspired to put MCLM in her name to avoid his creditors, especially since all of the facts indicate that he is the sole or principal controlling party of MCLM and a primary source of financing.

REQUEST FOR PRODUCTION NO. 8: All complaints asserted against you in any jurisdiction that has not been dismissed or concluded.

RESPONSE TO REQUEST FOR PRODUCTION NO. 8: See Exhibit "F", *Ruby Christine Odom and James Odom vs. American Nonwovens Corporation, Its Successors and Assigns, American Nonwovens Corporation Group Employee Benefit Plan, Donald R. DePriest,*

ADECA is the State of Alabama, which sued Mr. DePriest .

Mr. DePriest owes Mr. Phillips over \$9 million related to the sale of Charisma Communications, a company that DePriest said he solely controlled to the FCC, but that court documents, testimony and this judgement show was false and that ownership interests were hidden. The FCC should investigate Charisma and Mr. DePriest further.

John M. Hurt, and John Doe Defendants A-F, Cause No. 1:08CV299-A-D, pending in the U. S. District Court for the Northern District of Mississippi, Eastern Division,

REQUEST FOR PRODUCTION NO. 9: All bank statements, deposit slips, canceled checks, end-stub books, and check registers for all checking accounts maintained by you, on which you now have, or have had, signatory privileges, to which you have made deposits, from which you have made withdrawals, and/or to/from which deposits and/or withdrawals have been made for your benefit or on your behalf since January 1, 2008.

RESPONSE TO REQUEST FOR PRODUCTION NO. 9: Defendant objects to Request No. 9 as being overly broad and burdensome. However, Defendant will answer to the best of his ability beginning with November 2008, the approximate date of the Judgment against Mr. DePriest in this action. See Answer to Interrogatory No. 3.

REQUEST FOR PRODUCTION NO. 10: All savings passbooks and statements of account for any regular savings accounts maintained by you, on which you now have, or have had, drawing privileges, to which you have made deposits, from which you have made withdrawals, and/or to/from which deposits and/or withdrawals have been made for your benefit or on your behalf since January 1, 2008.

RESPONSE TO REQUEST FOR PRODUCTION NO. 10: Defendant objects to Request No. 10 as being overly broad and burdensome. However, Defendant will answer to the best of his ability beginning with November 2008, the approximate date

of the Judgment against Mr. DePriest in this action. See Answers to Interrogatory Nos. 3 and 12.

REQUEST FOR PRODUCTION NO. 11: All statements of account for any and all investment accounts of any type, including but not limited to, money market accounts, mutual funds accounts, ready asset accounts, cash management accounts, and brokerage accounts maintained by you, on which you now have, or have had, drawing privileges, to which you have made deposits, from which you have made withdrawals, and/or to/from which deposits and/or withdrawals have been made for your benefit or on your behalf since January 1, 2008.

RESPONSE TO REQUEST FOR PRODUCTION NO. 11: Defendant objects to Request No. 11 as being overly broad and burdensome. However, Defendant will answer to the best of his ability beginning with November 2008, the approximate date of the Judgment against Mr. DePriest in this action. See Answers to Interrogatory Nos. 3 and 12.

REQUEST FOR PRODUCTION NO. 12: Copies of any and all certificates of deposit, money market certificates, treasury bills, or like monetary assets owned by you or in which you now have, or have had, an interest since January 1, 2008.

RESPONSE TO REQUEST FOR PRODUCTION NO. 12: Defendant objects to Request No. 12 as being overly broad and burdensome. However, Defendant will answer to the best of his ability beginning with November 2008, the approximate date

of the Judgment against Mr. DePriest in this action. See Answers to Interrogatory Nos. 3 and 12.

REQUEST FOR PRODUCTION NO. 13: All life insurance policies which you own and/or which are currently in force on your life and the applicable beneficiary designation(s).

RESPONSE TO REQUEST FOR PRODUCTION NO. 13: None.

REQUEST FOR PRODUCTION NO. 14: All personal financial statements prepared by you or on your behalf in the last four years.

RESPONSE TO REQUEST FOR PRODUCTION NO. 14: Defendant objects to Request No. 14 as being overly broad and burdensome. However, Defendant will answer to the best of his ability beginning with November 2008, the approximate date of the Judgment against Mr. DePriest in this action. Without waiving the objection, Defendant produces the statement of the financial condition of Donald R. DePriest dated September 30, 2007, attached hereto as Exhibit "G". As Donald R. DePriest maintains no financial books and records, see also bank statements attached as collective Exhibit "B" and tax return to be produced pursuant to Answer to Interrogatory No. 1.

REQUEST FOR PRODUCTION NO. 15: All documents evidencing the transfer, sale, conveyance, or other disposition since January 1, 2005, of any and all assets having a value in excess of \$10,000.00 owned by you or in which you had an interest.

RESPONSE TO REQUEST FOR PRODUCTION NO. 15: Defendant objects to Request No. 15 as being overly broad and burdensome. However, Defendant will answer to the best of his ability beginning with November 2008, the approximate date of the Judgment against Mr. DePriest in this action. Since November 2008, the Response to Request No. 15 is none.

REQUEST FOR PRODUCTION NO. 16: Copies of any Trust of which you are a beneficiary.

RESPONSE TO REQUEST FOR PRODUCTION NO. 16: Defendant objects to Request No. 16 as being overly broad and burdensome. However, Defendant will answer to the best of his ability beginning with November 2008, the approximate date of the Judgment against Mr. DePriest in this action. Since November 2008, the Response to Request No. 16 is none.

REQUEST FOR PRODUCTION NO. 17: All documents which reflect any outstanding judgments in favor of you in any action by or against you.

RESPONSE TO REQUEST FOR PRODUCTION NO. 17: See Answer to Interrogatory No. 7.

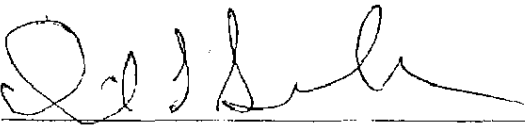
REQUEST FOR PRODUCTION NO. 18: All documents evidencing any loans made by any person or financial institution to you at any time for which there is an outstanding balance, including the payment or payoff status of each.

RESPONSE TO REQUEST FOR PRODUCTION NO. 18: Robert M. Sullins,

6006 Murray Lane, Brentwood, TN 37027, owes Donald R. DePriest approximately \$500,000. See Agency Agreement attached as Exhibit "H".

Respectfully submitted,

DONALD R. DEPRIEST

BY: 
DAVID L. SANDERS, MSB #6442

OF COUNSEL:

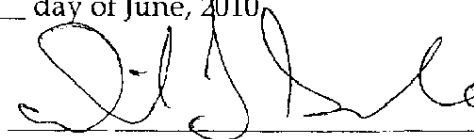
MITCHELL, McNUTT & SAMS, P.A.
POST OFFICE BOX 1366
COLUMBUS, MS 39703
(662)328-2316

CERTIFICATE OF SERVICE

I, the undersigned, **DAVID L. SANDERS**, do hereby certify that I have this day mailed, postage prepaid, U.S. Mail, a true and correct copy of the foregoing **DEFENDANT, DONALD R. DEPRIEST'S, ANSWERS AND RESPONSES TO PLAINTIFF'S POST-JUDGMENT INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS** to:

Clarence Webster, III, Esq.
Bradley Arant Boult Cummings LLP
P. O. Box 1789
Jackson, MS 39215-1789

So certified on this the 3rd day of June, 2010.

A handwritten signature in black ink, appearing to read "D. Sanders", is written over a horizontal line.

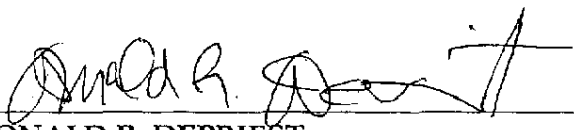
DAVID L. SANDERS

STATE OF MISSISSIPPI
COUNTY OF LOWNDES

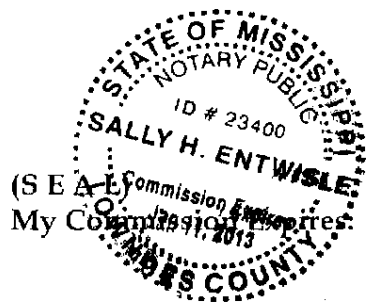
AFFIDAVIT

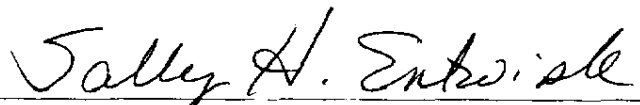
I, Donald R. DePriest, after being first duly sworn according to law, do hereby make oath and affirm that I have read the foregoing Answers to Interrogatories, and that they are true and correct to the best of my knowledge, information and belief.

DePriest's statements herein contradict what has been told to the FCC and show further affiliates and relevant information not properly disclosed to the FCC.


DONALD R. DEPRIEST

SWORN TO AND SUBSCRIBED BEFORE ME this the 3rd day of June, 2010.




NOTARY PUBLIC

Declaration

I, Warren Havens, as President of Petitioners, hereby declare under penalty of perjury that the foregoing filing, including all attachments and exhibits, was prepared pursuant to my direction and control and that all the factual statements and representations contained herein are true and correct.

/s/ Warren Havens
[Submitted Electronically. Signature on File.]

Warren Havens

January 25, 2013

Certificate of Service

I, Warren C. Havens, certify that I have, on January 25, 2013, caused to be served, by placing into the USPS mail system with first-class postage affixed unless otherwise noted below, a copy of the foregoing filing, including any exhibits and attachments, to the following:⁹

Law Offices of Robert J. Keller, P.C.
Robert J Keller , Esq
PO Box 33428
Washington, DC 20033-0428
ATTN Bob Keller

/s/ [Filed Electronically. Signature on File]

Warren Havens

This Errata copy is served as described above on January 26, 2013 but without the Exhibit (no changes in the Exhibit).

/s/ [Filed Electronically. Signature on File]

Warren Havens

⁹ The mailed copy being placed into a USPS drop-box today may be after business hours and thus may not be processed and postmarked by the USPS until the next business day.

CERTIFICATE OF SERVICE

I, the undersigned, certify that on February 1, 2013, I caused a true copy of the foregoing filing in FCC docket 11-71 to be served by USPS first class mail (with complimentary email copies, using emails of record) to:

Hon. Richard L. Sippel
Chief ALJ, FCC
445 12th Street, S.W.
Washington, DC 20554

Pamela A. Kane, Brian Carrter
Enforcement Bureau, FCC,
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Washington, DC 20554

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/s/

Warren Havens